

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

GARY ZAPASNIK)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:06CV358
)	
MICHAEL J. ASTRUE)	
Commissioner of Social Security,)	
Defendant.)	

ORDER

The Defendant, Michael Astrue, Commissioner of Social Security, has moved this court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with a remand of the cause for further administrative proceedings.

On remand, the Commissioner will assign this matter to an Administrative Law Judge (“ALJ”) for a further evaluation of the materiality of the Plaintiff’s alcohol use relevant to the determination of disability. The ALJ will be directed to provide references to specific evidence of record in support of his conclusions with respect to the issue. The ALJ will also be directed to consider the medical source opinion from Plaintiff’s treating psychiatrist regarding his inability to sustain gainful employment due primarily to the effects of his bipolar disorder.

Pursuant to the power of this court to enter a judgment reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g) this court hereby REVERSES the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

SO ORDERED.

Signed: October 24, 2007

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

